United Nations A/C.3/59/L.62

General Assembly

Distr.: Limited
3 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 105 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Peru, Romania, Timor-Leste and United States of America: draft resolution

Enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy

The General Assembly,

Recalling General Assembly resolution 55/96 of 4 December 2000 and all relevant resolutions of the Commission on Human Rights, in particular 1999/57 of 27 April 1999,[1] 2000/47 of 25 April 2000,[2] 2001/41 of 23 April 2001,[3] 2002/46 of 23 April 2002,[4] 2003/36 of 23 April 2003[5] and 2004/30 of 13 April 2004,[6]

1. *Declares* that the essential elements of democracy include respect for human rights and fundamental freedoms, inter alia, freedom of association and peaceful assembly and of expression and opinion, and the right to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic free elections by universal and equal suffrage and by secret ballot guaranteeing the free expression of the will of the people, as well as a pluralistic system of political parties and organizations, respect for the rule of law, the separation of powers, the independence of the judiciary, transparency and accountability in public administration and free, independent and pluralistic media;

2. *Reaffirms* that the promotion and protection of all human rights is a basic prerequisite for the existence of a democratic society, and recognizes the importance

[1] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.
[2] Ibid., *2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.
[3] Ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.
[4] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.
[5] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.
[6] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

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of the continuous development and strengthening of the United Nations human rights mechanisms for the consolidation of democracy;

3. *Recognizes* the importance of all actions taken at the regional and subregional levels that are aimed at facilitating the establishment, development and consolidation of democratic institutions, based on democratic values and principles and capable of responding to the specific needs of the countries in each region;

4. *Acknowledges* the importance of better awareness of democratic values and principles in all regions and for all people;

5. *Also acknowledges* that democracy contributes to the realization of all human rights and that there is a close link between democracy and good governance, on the one hand, and economic development and poverty alleviation, on the other;

6. *Further acknowledges* that democracy contributes substantially to preventing violent conflict, to accelerating reconciliation and reconstruction in post-conflict peace-building and, in peacetime, to resolving disputes that may impede economic and social progress;

7. *Recognizes* the need for Member States to pay further special attention and contribute to democratic institution-building by including relevant objectives to this effect in the mandates of peacemaking, peacekeeping and post-conflict peace-building operations and by providing adequate resources in that regard;

8. *Invites* intergovernmental regional, subregional and other organizations and arrangements, as well as relevant non-governmental organizations, to engage actively in work at the local, national, subregional and regional levels for the constant promotion and consolidation of democracy and to initiate exchanges with the United Nations system on their experiences, inter alia, by:

(a) Identifying and disseminating best practices and experiences at the regional, subregional and cross-regional levels in promoting and protecting democratic processes;

(b) Establishing and supporting regional, subregional and national civic education programmes that provide access to information on democratic governance and stimulate dialogue on the functioning of democracy;

(c) Encouraging the study, in schools and universities, of democracy, human rights, good governance and the functioning of public administration, political institutions and civil society organizations;

(d) Elaborating and widely distributing reports, assessments, training material, handbooks, case studies and documentation on alternative types of democratic constitutions, electoral systems and administration in order to assist populations in making more informed choices;

(e) Encouraging the use of democratic consultative mechanisms in disputes as an opportunity for the parties involved to advance their interests within institutional frameworks;

(f) Working with the focal point for democracy of the Office of the United Nations High Commissioner for Human Rights;

9. *Invites* States members of intergovernmental regional organizations and arrangements to include or reinforce the provisions of the constitutive acts of the

organizations and arrangements that are aimed at promoting democratic values and principles and protecting and consolidating democracy in their respective societies;

10. *Welcomes* the adoption by various regional, subregional and other organizations and arrangements of institutional rules designed to prevent situations that threaten democratic institutions or to implement measures for the collective defence of democracy in the event of a serious disturbance or disruption of the democratic system;

11. *Invites* intergovernmental regional organizations and arrangements to institutionalize dialogue among themselves on joint actions to promote and consolidate democracy and democratic practices in all areas;

12. *Encourages* Member States and intergovernmental, regional and cross-regional organizations and arrangements, as well as relevant non-governmental organizations, to initiate networks and partnerships with a view to assisting the Governments and civil society in their respective regions in disseminating knowledge and information about the role of democratic institutions and mechanisms in meeting the political, economic, social and cultural challenges in their respective societies;

13. *Urges* the continuation and expansion of activities carried out by the United Nations system, intergovernmental organizations and Member States to promote and consolidate democracy within the framework of international cooperation;

14. *Invites* the United Nations system to identify, develop and coordinate effective policies of assistance in the field of democracy and, in this context, to support programmes of technical assistance to States, upon their request, aimed at:

(a) Developing a competent, independent and impartial judiciary and accountable government institutions;

(b) Strengthening political party systems, free and independent media and civil society organizations;

(c) Fostering a democratic culture;

15. *Calls upon* the Office of the High Commissioner for Human Rights to stimulate dialogue and interaction within the United Nations system and between the United Nations system and interested intergovernmental regional, subregional and other organizations and arrangements on the ways and means of promoting democratic values and principles, based on the present resolution and other relevant resolutions of the General Assembly and of the Commission on Human Rights, and, to this end, to invite, inter alia, the Department of Political Affairs, including its Electoral Assistance Division, and Department of Economic and Social Affairs of the Secretariat of the United Nations, the United Nations Development Programme, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and regional organizations to inform the Commission on Human Rights, at its sixty-first session, of action taken to promote and consolidate democracy;

16. *Requests* the Secretary-General to bring the present resolution to the attention of Member States.

United Nations A/C.3/59/L.63

General Assembly

Distr.: Limited
4 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda items 105 (a) and 108

Human rights questions: implementation of human rights instruments

Programme budget for the biennium 2004-2005

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Programme budget implications of draft resolution A/C.3/59/L.31

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedures of the General Assembly

I. Introduction

1. Under the terms of operative paragraph 3 of draft resolution A/C.3/59/L.31, the General Assembly would welcome the establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the report of its first session,[1] which took place from 1 to 5 March 2004, and take note of the rules of procedure adopted by the Committee.

2. Paragraph 8 of the report of the Committee states that the Committee decided to request the Secretary-General to arrange two sessions for the Committee in 2005, one in July and one in October. Each session would be of one week's duration. This arrangement would replace a three-week session, which had been initially programmed in the budgetary estimates prepared before the establishment of the Committee, only for 2005. The sessions of the Committee will be held at the United Nations Office at Geneva.

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II. Relationship of the proposed request to the medium-term plan for the period 2002-2005 and the programme budget for the biennium 2004-2005

3. The activities to be carried out would relate to programme 19, Human rights, of the medium-term plan for the period 2002-2005 and section 24, Human rights, of the programme budget for the biennium 2004-2005.

III. Modification of the approved programme budget for the biennium 2004-2005

4. In order to reflect the provisions of draft resolution A/C.3/59/L.31, in the narrative of subprogramme 2, Supporting human rights bodies and organs, of section 24 of the programme budget for the biennium 2004-2005, the first subparagraph of paragraph 24.43 (a) (x), on the Committee on the Protection of Migrant Workers and Members of Their Families, would be modified to read as follows:

"a. Substantive servicing of meetings: plenary meetings (50)".

IV. Estimates of resource requirements

5. The full cost of the activities envisaged under the terms of this decision would amount to $891,300 in the biennium 2004-2005. The total cost of the three-week session in 2005 as currently approved by the General Assembly would amount to $1,120,400. The arrangement of two one-week sessions would result in the following:

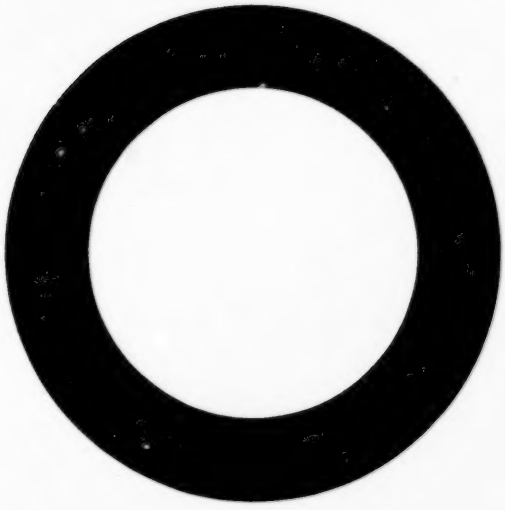
(a) Additional requirements for travel of the Committee members in the amount of $12,200, which is anticipated to be absorbed within overall resources included in the programme budget for the biennium under section 24, Human rights;

(b) Estimated savings of $238,100 and $3,200 under section 2, General Assembly affairs and conference services, and section 29E, Administration, Geneva, respectively, of the programme budget for the biennium.

6. The actual savings resulting from the reduction of conference-servicing requirements will be reported to the General Assembly in the context of the second performance report for the biennium 2004-2005 under section 2 and section 29E, respectively.

Notes

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 48* (A/59/48).



United Nations A/C.3/59/L.64

General Assembly

Distr.: Limited
4 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 105 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Azerbaijan, Botswana, Cameroon, Central African Republic, China, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, El Salvador, Ghana, Islamic Republic of Iran, Madagascar, Mauritania, Mexico, Myanmar, Namibia, Nigeria, Pakistan, Peru, Qatar, Russian Federation, Saudi Arabia, Sudan, Syrian Arab Republic, Togo, United Republic of Tanzania, Venezuela, Viet Nam, Zambia and Zimbabwe: draft resolution

The right to food

The General Assembly,

Recalling its resolution 58/186 of 22 December 2003, as well as all Commission on Human Rights resolutions in this regard, in particular resolution 2004/19 of 16 April 2004,[1]

Recalling also the Universal Declaration of Human Rights,[2] which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food,

Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights,[3] in which the fundamental right of every person to be free from hunger is recognized,

Recalling the Universal Declaration on the Eradication of Hunger and Malnutrition,[4] as well as the United Nations Millennium Declaration,[5]

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.
[5] See resolution 55/2.

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Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action[6] and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[7]

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Expressing its concern about the adverse impact on the right to food caused by humanitarian emergencies,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain their physical and mental capacities;

3. *Considers* it intolerable that there are around 842 million undernourished people in the world, that every five seconds a child under the age of five dies from hunger-related diseases and that more than two billion people throughout the world

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[6] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit 13-17 November 1996* (WFS 96/REP), part one, appendix.

[7] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10-13 June 2002*, part one, appendix; see also A/57/499, annex.

suffer from "hidden hunger" or micronutrient malnutrition when, according to the Food and Agriculture Organization of the United Nations, the world produces more than enough food to feed its entire population;

4. *Expresses its concern* that women are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women suffer from malnutrition as men;

5. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

6. *Also encourages* all States to take action to address discrimination against women, particularly where it contributes to the malnutrition of women and girls, including measures to ensure the realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves;

7. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

8. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled and invites once again all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security[6] and the United Nations Millennium Declaration;[5]

9. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

10. *Welcomes* the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food,[8] and commends the Special Rapporteur for his valuable work in the promotion of the right to food;

11. *Supports* the realization of the mandate of the Special Rapporteur as extended by the Commission on Human Rights in its resolution 2004/19;

12. *Expresses its appreciation* to the Special Rapporteur for his effective contribution to the medium-term review of the implementation of the Rome Declaration on World Food Security and the World Food Summit Plan of Action[6] through the submission to the United Nations High Commissioner for Human Rights of his recommendations on all aspects of the right to food, and his participation in and contribution to the proceedings of that event;

[8] See A/59/385.

13. *Encourages* the Special Rapporteur to mainstream a gender perspective in the activities relating to his mandate;

14. *Requests* the Secretary-General and the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

15. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;[9]

16. *Takes note* of general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in realization of the right to adequate food;[10]

17. *Welcomes* the adoption by the Intergovernmental Working Group of the Council of the Food and Agriculture Organization of the United Nations of the voluntary guidelines to support the efforts of Member States to achieve the progressive realization of the right to adequate food in the context of national food security and invites the Council to adopt that code of conduct;

18. *Also welcomes* the continued cooperation of the High Commissioner, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

19. *Requests* the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its sixty-first session and an interim report to the General Assembly at its sixtieth session on the implementation of the present resolution;

20. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and non-governmental organizations to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

21. *Decides* to continue the consideration of this matter at its sixtieth session under the item entitled "Human rights questions".

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[9] *Official Records of the Economic and Social Council, 2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V, para. 4.

[10] Ibid., *2003, Supplement No. 2* (E/2003/22), annex IV.

United Nations A/C.3/59/L.64/Rev.1

General Assembly

Distr.: Limited
11 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 105 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Andorra, Angola, Antigua and Barbuda, Azerbaijan, Bangladesh, Belarus, Bhutan, Botswana, Brazil, Burundi, Cameroon, Central African Republic, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Dominica, Ecuador, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Guatemala, Guinea Bissau, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Niger, Nigeria, Pakistan, Paraguay, Peru, Qatar, Romania, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Sudan, Syrian Arab Republic, Thailand, Togo, Uganda, United Republic of Tanzania, Venezuela, Viet Nam, Zambia and Zimbabwe: revised draft resolution

The right to food

The General Assembly,

Recalling its resolution 58/186 of 22 December 2003, as well as all Commission on Human Rights resolutions in this regard, in particular resolution 2004/19 of 16 April 2004,[1]

Recalling also the Universal Declaration of Human Rights,[2] which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition,[3] and the United Nations Millennium Declaration,[4]

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] Resolution 217 A (III).

[3] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[4] See resolution 55/2.

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Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights,[5] in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action[6] and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[7]

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Expressing its concern about the adverse impact on the realization on the right to food caused by many humanitarian emergencies, including plagues and natural disasters,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of

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[5] See resolution 2200 A (XXI), annex.

[6] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13-17 November 1996* (WFS 96/REP), part one, appendix.

[7] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10-13 June 2002*, part one, appendix; see also A/57/499, annex.

everyone to be free from hunger, so as to be able to fully develop and maintain their physical and mental capacities;

3. *Considers* it intolerable that there are around 842 million undernourished people in the world, that every five seconds a child under the age of five dies from hunger-related diseases and that more than two billion people throughout the world suffer from "hidden hunger" or micronutrient malnutrition when, according to the Food and Agriculture Organization of the United Nations, the world produces more than enough food to feed its entire population;

4. *Expresses its concern* that women are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women suffer from malnutrition as men;

5. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

6. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

7. *Encourages* all States to take action to address discrimination against women, particularly where it contributes to the malnutrition of women and girls, including measures to ensure the realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves;

8. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

9. *Welcomes* the meeting of world leaders for action against hunger and poverty, convened by the Presidents of Brazil, Chile, and France and the President of the Government of Spain, with the support of the Secretary-General, and the resulting New York Declaration, which has been supported by 110 countries to date, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

10. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security[6] and the United Nations Millennium Declaration;[4]

11. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

12. *Takes note* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food,[8] and commends the Special Rapporteur for his valuable work in the promotion of the right to food;

13. *Supports* the realization of the mandate of the Special Rapporteur as extended by the Commission on Human Rights in its resolution 2003/25 of 22 April 2003;[9]

14. *Expresses its appreciation* to the Special Rapporteur for his effective contribution to the medium-term review of the implementation of the Rome Declaration on World Food Security and the World Food Summit Plan of Action through the submission to the United Nations High Commissioner for Human Rights of his recommendations on all aspects of the right to food, and his participation in and contribution to the proceedings of that event;

15. *Encourages* the Special Rapporteur to continue mainstreaming a gender perspective in the activities relating to his mandate;

16. *Requests* the Secretary-General and the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

17. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;[10]

18. *Takes note* of general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in realization of the right to adequate food;[11]

19. *Welcomes* the adoption by the Intergovernmental Working Group, as mandated by the Council of the Food and Agriculture Organization of the United Nations, of a set of voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security, as well as the endorsement of the Committee on World Food Security of the voluntary guidelines as submitted and its decision to transmit them to the Council for final adoption, and in this regard encourages States members of the Council to adopt the voluntary guidelines;

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[8] See A/59/385.

[9] *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[10] Ibid., *2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V, para. 4.

[11] Ibid., *2003, Supplement No. 2* (E/2003/22), annex IV.

20. *Also welcomes* the continued cooperation of the High Commissioner, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

21. *Requests* the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its sixty-first session and an interim report to the General Assembly at its sixtieth session on the implementation of the present resolution;

22. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

23. *Decides* to continue the consideration of this matter at its sixtieth session under the item entitled "Human rights questions".

United Nations A/C.3/59/L.65

General Assembly

Distr.: Limited
4 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 105 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Cuba, Ecuador and El Salvador: draft resolution

Respect for the right to universal freedom of travel and the vital importance of family reunification

The General Assembly,

Recalling its resolution 57/227 of 18 December 2002,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights,[1] as well as article 12 of the International Covenant on Civil and Political Rights,[2]

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development,[3] family reunification of documented migrants is an important factor in international migration and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Noting that while some positive developments occurred during the past two years in the accomplishment of the objectives highlighted in General Assembly resolution 57/227, in particular the commitment made on 9 June 2004 at the summit meeting of the Group of Eight, held in Sea Island, Georgia, United States of America, to facilitate the flow of remittances across international borders to help families, in certain cases it has been reported that measures have been adopted that have increased the restrictions imposed on documented migrants in relation to

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

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family reunification and the possibility of sending remittances to their relatives in the country of origin,

Recalling that the family is the basic unit of society and, as such, should be strengthened, and that it is entitled to receive comprehensive protection and support,

1. *Once again calls upon* all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. *Reaffirms* that all Governments, in particular those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;

3. *Calls upon* all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;

4. *Also calls upon* all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against individuals or groups of legal migrants by adversely affecting family reunification and the right to send financial remittances to relatives in the country of origin;

5. *Requests* the United Nations High Commissioner for Human Rights to request comments from Governments, intergovernmental and non-governmental organizations on the implementation of the present resolution and to submit a report on her findings for the consideration of the Assembly at its sixty-first session;

6. *Decides* to continue its consideration of this question at its sixty-first session under the item entitled "Human rights questions".

United Nations A/C.3/59/L.66

General Assembly

Distr.: Limited
4 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 105 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Guinea-Bissau and Viet Nam: draft resolution

Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character

The General Assembly,

Recalling that, in accordance with Article 56 of the Charter of the United Nations, all Member States have pledged themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55, including universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that the promotion and protection of all human rights and fundamental freedoms must be considered a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation, and that, within the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community,

Considering the major changes taking place on the international scene and the aspirations of all peoples to an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-

determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world, and should continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights,

Reaffirming that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations and that human rights and fundamental freedoms are the birthright of all human beings, the promotion and protection of such rights and freedoms being the first responsibility of Governments,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further the various Articles of the Charter setting out the respective powers and functions of the General Assembly, the Security Council and the Economic and Social Council, as the paramount framework for the achievement of the purposes of the United Nations,

Reaffirming the commitment of all States to fulfil their obligations under other important instruments of international law, in particular those of international human rights and humanitarian law,

Taking into account that, in accordance with Article 103 of the Charter, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail,

Recalling all its previous resolutions on the question, including its resolution 58/188 of 22 December 2003,

1. *Reiterates* the solemn commitment of all States to enhance international cooperation in the field of human rights and in the solution to international problems of a humanitarian character in full compliance with the Charter of the United Nations, inter alia, by the strict observance of all the purposes and principles set forth in Articles 1 and 2 thereof;

2. *Stresses* the vital role of the work of United Nations and regional arrangements, acting consistently with the purposes and principles enshrined in the Charter, in promoting and encouraging respect for human rights and fundamental freedoms, as well as in solving international problems of a humanitarian character, and affirms that all States, in these activities, must fully comply with the principles set forth in Article 2 of the Charter, in particular respecting the sovereign equality of all States and refraining from the threat or use of force against the territorial integrity or political independence of any State, or acting in any other manner inconsistent with the purposes of the United Nations;

3. *Reaffirms* that the United Nations shall promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;

3bis. *Reaffirms also* that the responsibility for managing worldwide economic and social development, the promotion and protection of human rights and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally and that, as the most universal and most representative organization in the world, the United Nations must play the central role;

3ter. *Calls upon* Member States to refrain from enacting or enforcing unilateral coercive measures as tools of political, military or economic pressure against any country, particularly against developing countries, with a view to preventing those countries from exercising their right to decide of their own free will their own political, economic and social systems;

4. *Calls upon* all States to cooperate fully, through constructive dialogue, to ensure the promotion and protection of all human rights for all and in promoting peaceful solutions to international problems of a humanitarian character and, in their actions towards that purpose, to comply strictly with the principles and norms of international law, inter alia, by fully respecting international human rights and humanitarian law;

5. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, organs, bodies and other components of the United Nations system and intergovernmental and non-governmental organizations, and to disseminate it as widely as possible;

6. *Decides* to consider this question at its sixty-first session under the item entitled "Human rights questions".

United Nations A/C.3/59/L.67

General Assembly

Distr.: Limited
9 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 103 (a)
Elimination of racism and racial discrimination

Belarus: draft resolution

Measures to be taken against political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism

The General Assembly,

Recalling that the United Nations emerged from the struggle against Nazism, fascism, aggression and foreign occupation, and that the people expressed their resolve in the Charter of the United Nations to save succeeding generations from the scourge of war,

Aware of the determination proclaimed by the peoples of the world in the Charter to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Welcoming the fact that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, condemned political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance,

Underlining the key role that political leaders and political parties can and ought to play in combating racism, racial discrimination, xenophobia and related intolerance,

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Noting with regret that, in the contemporary world, there continue to exist various manifestations of neo-Nazi activities, as well as other political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, which entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in the civil, political, economic and social and cultural spheres and in social justice,

Deeply alarmed at the persistence and resurgence of these phenomena, and stating that they can never be justified in any instance or under any circumstances,

Noting with concern the widening misuse by such groups and organizations of the opportunities provided by scientific and technological progress, including the Internet, to promote racist and xenophobic propaganda aimed at inciting racial hatred and to collect funds to sustain violent campaigns against multi-ethnic societies throughout the world,

Noting that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

Expressing serious concern at the rise in many parts of the world of doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia,

Particularly alarmed at the rise of such ideas in political circles, in the sphere of public opinion and in society at large,

Recognizing the important role relevant regional bodies, including regional associations of national human rights institutions, can play in combating racism, racial discrimination, xenophobia and related intolerance, and the key role they can play in monitoring and raising awareness about intolerance and discrimination at the regional level, and reaffirming support for such bodies where they exist, and encouraging their establishment,

Recalling its resolutions 2331 (XXII) of 18 December 1967, 2545 (XXIV) of 11 December 1969, 35/200 of 15 December 1980, 36/162 of 16 December 1981, 37/179 of 17 December 1982, 38/99 of 16 December 1983, 39/114 of 14 December 1984, 41/160 of 4 December 1986, 43/150 of 8 December 1988, 55/82 of 4 December 2000 and, in particular, resolution 56/268 of 27 March 2002,

Taking into consideration the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the Commission on Human Rights[1] and, in particular, his study on the question of political platforms which promote or incite racial discrimination,[2]

1. *Remains convinced* that political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism, must be condemned as incompatible with democracy and accountable governance;

[1] E/CN.4/2001/21 and Corr.1.

[2] A/59/330.

2. *Expresses its determination* to resist such political platforms and activities which can undermine the enjoyment of human rights and fundamental freedoms and of equality of opportunity;

3. *Urges* States to take all available measures in accordance with their obligations under international human rights instruments to combat political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia;

4. *Welcomes* the recommendation of the Special Rapporteur on the need to exercise greater control over racist and xenophobic statements and ideas, especially when they are expressed by representatives of political parties or other ideological movements, and ensure that such activities are stopped; [3]

5. *Calls upon* States to undertake and facilitate activities aimed at educating young people in human rights and democratic citizenship and instilling values of solidarity, respect and appreciation of diversity, including respect for different groups, and affirms that a special effort to inform and sensitize young people with regard to democratic values and human rights should be undertaken or developed to fight against ideologies based on the fallacious theory of racial superiority;

6. *Urges* all States to consider the adoption, as a matter of high priority, of appropriate measures consistent with their national legal systems and in accordance with the provisions of the Universal Declaration of Human Rights,[4] the International Covenants on Human Rights[5] and the International Convention on the Elimination of All Forms of Racial Discrimination,[6] to eradicate activities that lead to violence and condemn any dissemination of ideas based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism;

7. *Expresses support* for the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

8. *Calls upon* all States to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate, including the examination of political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism, as well as measures undertaken nationally and globally against such political platforms and activities;

9. *Decides* to consider this question at its sixtieth session under the item entitled "Elimination of racism and racial discriminations".

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[3] Ibid., para. 57.
[4] Resolution 217 A (III).
[5] Resolution 2200 A (XXI), annex.
[6] Resolution 2106 A (XX), annex.

United Nations A/C.3/59/L.67/Rev.1

General Assembly

Distr.: Limited
19 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 103 (a)
Elimination of racism and racial discrimination

Azerbaijan, Belarus, Cuba, Kazakhstan, Kyrgyzstan, Russian Federation and Tajikistan: revised draft resolution

Measures to be taken against political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism

The General Assembly,

Recalling that the United Nations emerged from the struggle against Nazism, fascism, aggression and foreign occupation, and that the people expressed their resolve in the Charter of the United Nations to save succeeding generations from the scourge of war,

Aware of the determination proclaimed by the peoples of the world in the Charter to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Recognizing the fact that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, condemned political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance,

Reaffirming in this regard that everyone has the right to freedom of opinion and expression as well as the right to freedom of peaceful assembly and association,

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Underlining the key role that politicians and political parties can and ought to play in combating racism, racial discrimination, xenophobia and related intolerance,

Noting with regret that, in the contemporary world, there continue to exist various manifestations of neo-Nazi activities, as well as other political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, which entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in the civil, political, economic and social and cultural spheres and in social justice,

Deeply alarmed at the persistence and resurgence of these phenomena, and stating that they can never be justified in any instance or under any circumstances,

Noting with concern the widening misuse by such groups and organizations of the opportunities provided by scientific and technological progress, including the Internet, to promote racist and xenophobic propaganda aimed at inciting racial hatred and to collect funds to sustain violent campaigns against multi-ethnic societies throughout the world,

Noting that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

Expressing serious concern at the persistence in many parts of the world of doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia,

Particularly alarmed at the persistence of such ideas in political circles, in the sphere of public opinion and in society at large,

Recognizing the important role relevant regional bodies, including regional associations of national human rights institutions, can play in combating racism, racial discrimination, xenophobia and related intolerance, and the key role they can play in monitoring and raising awareness about intolerance and discrimination at the regional level, and reaffirming support for such bodies where they exist, and encouraging their establishment,

Recalling its previous resolutions, in particular resolutions 55/82 of 4 December 2000 and 56/268 of 27 March 2002,

Taking into consideration the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the Commission on Human Rights[1] and, in particular, his study on the question of political platforms which promote or incite racial discrimination,[2]

1. *Remains convinced* that political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism, must be condemned as incompatible with democracy and accountable governance;

[1] E/CN.4/2001/21 and Corr.1.

[2] A/59/330.

2. *Expresses its determination* to resist such political platforms and activities which can undermine the enjoyment of human rights and fundamental freedoms and of equality of opportunity;

3. *Urges* States to take all available measures in accordance with their obligations under international human rights instruments to combat political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, inter alia, through the dissemination of human rights principles at all levels of society through education, as well as by other means;

4. *Takes note with appreciation* of the recommendations of the Special Rapporteur including on the need for States to exercise greater control over racist and xenophobic statements, especially when they are expressed by representatives of political parties or other ideological movements, and emphasizes in this regard that measures taken to combat racism must be in accordance with the commitments they have undertaken under the Durban Declaration and Programme of Action[3] and with international standards of freedom of expression;

5. *Calls upon* States to undertake and facilitate activities aimed at educating young people in human rights and democratic citizenship and instilling values of solidarity, respect and appreciation of diversity, including respect for different groups, and affirms that a special effort to inform and sensitize young people with regard to democratic values and human rights should be undertaken or developed to fight against ideologies based on the fallacious theory of racial superiority;

6. *Urges* all States to consider the adoption, as a matter of high priority, of appropriate measures consistent with their national legal systems and in accordance with the provisions of the Universal Declaration of Human Rights,[4] the International Covenants on Human Rights[5] and the International Convention on the Elimination of All Forms of Racial Discrimination,[6] to eradicate activities that lead to violence based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism, and to condemn all propaganda and all organizations which are based on ideas and theories of superiority;

7. *Expresses support* for the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and calls upon all States to cooperate with him in all aspects with a view to enabling him to fulfil his mandate;

8. *Requests* the Secretary-General to bring the present resolution to the attention of the Member States and relevant human rights bodies and mechanisms of the United Nations system.

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[3] See A/CONF.189/12 and Corr.1, chap. I.
[4] Resolution 217 A (III).
[5] Resolution 2200 A (XXI), annex.
[6] Resolution 2106 A (XX), annex.

United Nations A/C.3/59/L.68

General Assembly

Distr.: Limited
9 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 104
Right of peoples to self-determination

Algeria, Angola, Burundi, Chile, Costa Rica, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Ethiopia, Guinea-Bissau, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Lesotho, Madagascar, Myanmar, Namibia, Nigeria, Peru, Russian Federation, Sudan, Syrian Arab Republic, Viet Nam and Zimbabwe: draft resolution

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 58/162 of 22 December 2003, and taking note of Commission on Human Rights resolution 2004/5 of 8 April 2004,[1]

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[2] as well as the African Union,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their

[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.

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economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in Africa and the threat they pose to the integrity and respect of the constitutional order of those countries,

Convinced that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Takes note* of the brief report prepared by the Office of the United Nations High Commissioner for Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;[4]

2. *Welcomes* the appointment of Shaista Shameem as Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, and encourages her to continue and further advance the valuable work done and the important contributions made by Enrique Bernales Ballesteros during sixteen years in the discharge of his mandate;

3. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

4. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

5. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial

[3] Resolution 2625 (XXV), annex.

[4] See A/59/191.

integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

6. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

7. *Welcomes* the entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[5] and calls upon all States that have not yet done so to consider taking the necessary action to accede to or ratify the Convention;

8. *Welcomes also* the cooperation extended by those countries that have received visits from the Special Rapporteur and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Condemns* recent mercenary activities in Africa and commends the African Governments on their collaboration in thwarting these illegal actions, which posed a threat to the integrity and respect of the constitutional order of these countries and the exercise of the right to self-determination of their peoples;

10. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

11. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

12. *Requests* the new Special Rapporteur on mercenaries to circulate to and consult with States on the new proposal for a legal definition of a mercenary drafted by the former Special Rapporteur[6] and to report her findings to the Commission on Human Rights and the General Assembly;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

14. *Also requests* the Office of the United Nations High Commissioner for Human Rights to convene a third meeting of experts on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, respecting the main objectives defined in paragraph 16 of Commission on Human Rights resolution 2004/5 of 8 April 2004;

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[5] Resolution 44/34, annex.

[6] E/CN.4/2004/15, para. 47.

15. *Requests* the Special Rapporteur to continue to take into account, in the discharge of her mandate, the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities and, in this regard, requests her to pay particular attention to the impact of the activities of private companies offering military assistance, consultancy and security services on the international market on the exercise of the right of peoples to self-determination;

16. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of her mandate;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of her mandate, both professional and financial, including through the promotion of cooperation between the Special Rapporteur and other components of the United Nations system that deal with countering mercenary-related activities;

18. *Requests* the Special Rapporteur to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixtieth session her findings on the use of mercenaries to undermine the right of peoples to self-determination;

19. *Decides* to consider at its sixtieth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

United Nations A/C.3/59/L.69

General Assembly

Distr.: Limited
9 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 103 (a)
Elimination of racism and racial discrimination: elimination of racism and racial discrimination

Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions on the International Convention on the Elimination of All Forms of Racial Discrimination,[1] most recently resolution 57/194 of 18 December 2002,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance throughout the world,

Reiterating also the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Reaffirming that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world, as stated in the Durban Declaration and the Programme

[1] Resolution 2106 A (XX), annex.
[2] A/CONF.157/24 (Part I), chap. III.

of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[3]

Mindful of the importance of the contributions of the Committee on the Elimination of Racial Discrimination to the effective implementation of the Convention and to the efforts of the United Nations to combat racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination,[4] to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations, and to reiterating its deep concern that the amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

I. Reports of the Committee on the Elimination of Racial Discrimination

1. *Takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its sixty-second and sixty-third[5] and its sixty-fourth and sixty-fifth[6] sessions;

2. *Commends* the Committee for its contributions to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, especially through the examination of reports under article 9 of the Convention, action on communications under article 14 of the Convention and thematic discussions, which contribute to the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

3. *Calls upon* States parties to fulfil their obligation, under paragraph 1 of article 9 of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

4. *Expresses its concern* at the fact that a great number of reports are overdue and continue to be overdue, in particular initial reports, which constitutes an obstacle to the full implementation of the Convention;

5. *Encourages* States parties to the Convention whose reports are seriously overdue to avail themselves of the advisory services and technical assistance that the Office of the United Nations High Commissioner for Human Rights can provide, upon their request, for the preparation of the reports;

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[3] See A/CONF.189/12 and Corr.1, chap. I.

[4] See CERD/SP/45, annex.

[5] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 18* (A/58/18).

[6] Ibid., *Fifty-ninth Session, Supplement No. 18* (A/59/18).

6. *Encourages* the Committee to continue to cooperate and exchange information with United Nations bodies and mechanisms, in particular with the Subcommission on the Promotion and Protection of Human Rights and with the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, with other special procedures of the Commission on Human Rights and with intergovernmental organizations, as well as with non-governmental organizations;

7. *Encourages* States parties to continue to include a gender perspective in their reports to the Committee, and invites the Committee to take into account a gender perspective in the implementation of its mandate;

8. *Expresses its appreciation* to the Committee for its contributions to the implementation of the Durban Declaration and Programme of Action;[3]

9. *Also expresses its appreciation* for the efforts made so far by the Committee to improve the efficiency of its working methods, and encourages the Committee to continue its activities in this regard;

10. *Encourages* the continued participation of members of the Committee in the annual inter-committee meetings and meetings of chairpersons of the human rights treaty bodies, especially with a view to a more coordinated approach to the activities of the treaty body system and standardized reporting;

II. Financial situation of the Committee on the Elimination of Racial Discrimination

11. *Takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;[7]

12. *Expresses its profound concern* about the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

13. *Strongly urges* States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992,[4] endorsed by the General Assembly in its resolution 47/111 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

14. *Requests* the Secretary-General to continue to ensure adequate financial arrangements and to provide the necessary support, including an adequate level of Secretariat assistance, in order to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

[7] A/59/276.

15. *Also requests* the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its sixty-first session;

III. Status of the International Convention on the Elimination of All Forms of Racial Discrimination

16. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;[8]

17. *Expresses its satisfaction* at the number of States that have ratified or acceded to the Convention, which now stands at one hundred and seventy;

18. *Urges* States parties to comply fully with their obligations under the Convention and to take into consideration the concluding observations and general recommendations of the Committee;

19. *Reaffirms its conviction* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the effectiveness of the fight against racism, racial discrimination, xenophobia and intolerance and for the implementation of the commitments undertaken under the Durban Declaration and Programme of Action;

20. *Urges* all States that have not yet become parties to the Convention to ratify or accede to it as a matter of urgency, with a view to universal ratification by the year 2005;

21. *Urges* States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible in order to ensure that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international treaty law, to review their reservations on a regular basis with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention or that are otherwise incompatible with international treaty law;

22. *Notes* with regret that the number of States parties to the Convention that have made the declaration provided for in article 14 of the Convention now stands at forty-five, and requests the States parties that have not yet done so to consider making that declaration;

23. *Decides* to consider, at its sixty-first session, under the item entitled "Elimination of racism and racial discrimination", the reports of the Committee on the Elimination of Racial Discrimination on its sixty-sixth and sixty-seventh and its sixty-eighth and sixty-ninth sessions, the report of the Secretary-General on the financial situation of the Committee and the report of the Secretary-General on the status of the Convention.

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[8] A/59/275.